

NO. 25037

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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CENTURY 21 LIBERTY HOMES, Plaintiff-Appellee

vs.

LINDA A. REDDISH, Defendants-Appellants

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LINDA A. REDDISH, Counterclaim-Plaintiff-Appellant

vs.

CENTURY 21 LIBERTY HOMES, Counterclaim-Defendant-Appellee

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIV. NO. 1RC01-8542)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that the February 14, 2002 judgment in Civil No. 1RC01-8542, the Honorable David L. Fong presiding, is not an appealable final judgment under HRS § 641-1(a) (1993).

As a general matter, this court's jurisdiction over an appeal is limited to a review of final judgments, orders and decrees. Hawai'i Revised Statutes § 641-1(a) (1985). Judgment is not final in a case until all claims of the parties have been terminated. . . .

In a case of multiple claims or multiple parties, a judgment or order that conclusively determines some but not all claims, or that conclusively determines the rights and liabilities of some but not all parties, may be certified for immediate review pursuant to District Court Rules of Civil Procedure (DCRCP) Rule 54(b).

Ciesla v. Reddish, 78 Hawai'i 18, 20, 889 P.2d 702, 704 (1995) (citation omitted) (emphasis added). The February 14, 2002 judgment disposed of Plaintiff/Counterclaim Defendant/Appellee

Century 21 Liberty Homes' (Appellee Century 21) claim against Defendant/Counterclaim Plaintiff/Appellant Linda A. Reddish (Appellant Reddish) for breach of lease money damages. However, neither the February 14, 2002 judgment nor any order of the district court disposed of (a) Century 21's claim for summary possession, or (b) Appellant Reddish's counterclaim. Therefore, the February 14, 2002 judgment is not an appealable final judgment under HRS § 641-1(a) (1993), and Appellant Reddish's appeal is premature. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawai'i, October 29, 2002.